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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/692,200 | 10/23/2003 | Sujal S. Parikh | 14917.0230US01/MS305926.0 | 8417 |

27488 7590 01/30/2007
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| EXAMINER | |
|---|---|
| CARLETON, THUY T | |
| ART UNIT | PAPER NUMBER |
| 2179 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|---|---|---|
| 3 MONTHS | 01/30/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/692,200 | PARIKH ET AL. | |
| | Examiner | Art Unit | |
| | Thuy Carleton | 2196 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *23 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/01/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

1. Claims 1-42 are pending and have been examined.

### *Claim Rejections - 35 USC § 101*

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 17-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**As to claim 17**, a "set of executable procedures" is being recited; however, as disclosed by the specification sections are taught to be software, per se. A set of executable procedures with no structural and functional interrelationship between computer elements is computer software by itself.

**As such, claims 18-24** are rejected as incorporating the deficiencies of a claim upon which it depends.

**As to claim 25**, a "data structure" is being recited; however, as disclosed by the specification sections are taught to be a non-functional descriptive material that includes mere arrangement to data.

## *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-10, 12-21 and 23-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Breinberg et al. (US Patent 5,886,694), hereinafter "Breinberg"

**As claim 1**, Breinberg teaches a method of making ready for presentation a graphical element in a computer application program by communicating with a computer operating system (col. 1, lines 59-62; col. 13, lines 34-39), the method comprising:

executing a first procedure for measuring the element (fig. 6, label 602; col. 2, lines 1-9; col. 11, lines 43-49, that when the layout stage is implemented it is measuring the size and position of each frame (element));

executing a second procedure for arranging the element (col. 2, lines 1-9; col. 4, lines 57-64; col. 11, lines 51-55, that the auto-layout engine arranges and repositions the frames (elements) as it traverses the tree to fill available space);

and wherein the second procedure is invoked and executed independently from the first procedure (fig. 6, label 604; col. 11, lines 56-67 and col. 12, lines 1-13).

**As claim 2**, Breinberg further teaches the first procedure returns a desired size for the element (fig. 6, label 606; col. 12, lines 14-23, it is inherent that after the calculation, the results to include the desired size will be returned).

**As claim 3**, Breinberg further teaches the first procedure computes desired sizes for child-elements of the element (fig. 6, label 606; col. 12, lines 14-23).

**As claim 4**, Breinberg further teaches the first procedure comprises determining whether a child-element requires computation of its desired size (col. 17, lines 14-22).

**As claim 5**, Breinberg further teaches the second procedure computes a final size for the element (fig. 5, label 504, 506, 508 and 510; fig. 7, label 718; col. 11 lines 15-21; col. 14, lines 27-29).

**As claim 6**, Breinberg further teaches the second procedure further computes display positions for a child-element of the element (fig. 7, label 718; col. 14, lines 27-36; col. 2, lines 41-43).

**As claim 7**, Breinberg further teaches signaling the element's need to be measured by the first procedure (fig. 4, label 404; col. 10, lines 18-24).

**As claim 8**, Breinberg further teaches the signaling step comprises calling a measure invalidation function (col. 2, lines 24-27).

**As claim 9**, Breinberg further teaches the signaling step further comprises setting a flag on the element (col. 13, lines 3-8).

**As claim 10**, Breinberg further teaches the signaling step comprises notifying the operating system (col. 13, lines 37-39).

**As claim 12**, Breinberg further teaches the element requests the measuring of all elements needing to be measured (fig. 4, label 404; col. 10, lines 18-24).

**As claim 13**, Breinberg further teaches signaling with a signal an element's need to be arranged by the second procedure (col. 2, lines 34-41, it is inherent that the size and position of the child frames depend on parent frame, therefor, when anyone of the child frames change a windows message is sent to arrange the child frames).

**As claim 14**, Breinberg further teaches the signal comprises calling an arrange invalidation function (col. 2, lines 24-27, it is inherent that a windows message will be sent for all windows (elements) that need to be arranged).

**As claim 15**, Breinberg further teaches the signaling step further comprises setting a flag on the element (col. 13, lines 3-8).

**As claim 16**, Breinberg further teaches the element requests the arranging of all elements needing to be arranged (col. 2, lines 34-41, it is inherent that the size and position of

the child frames depend on parent frame, therefore, when anyone of the child frames change a windows message is sent to arrange all the child frames).

**As claim 17**, Breinberg teaches a set of executable procedures callable by a computer application program for making ready for presentation a graphical element (col. 1, lines 59-62 and lines 64-67; col. 2, line 1), including at least:
a first procedure for measuring the element (fig. 6, label 602; col. 2, lines 1-9; col. 11, lines 43-49, that when the layout stage is implemented it is measuring the size and position of each frame (element));
a second procedure for arranging the element (col. 2, lines 1-9; col. 4, lines 57-64; col. 11, lines 51-55, that the auto-layout engine arranges and repositions the frames (elements) as it traverses the tree to fill available space);
and wherein the second procedure is called and executed independently from the first procedure (fig. 6, label 604; col. 11, lines 56-67 and col. 12, lines 1-13).

**As claim 18**, Breinberg further teaches the first procedure returns a desired size for the element (fig. 6, label 606; col. 12, lines 14-23, it is inherent that after the calculation, the results to include the desired size will be returned).

**As claim 19**, Breinberg further teaches the second procedure computes a final size for the element (fig. 5, label 504, 506, 508 and 510; fig. 7, label 718; col. 11 lines 15-21; col. 14, lines 27-29).

**As claim 20**, Breinberg further teaches at least a procedure for signaling the

element's need to be measured (fig. 4, label 404; col. 10, lines 18-24).

**As claim 21**, Breinberg further teaches at least a procedure for signaling the element's need to be arranged (col. 2, lines 34-41, it is inherent that the size and position of the child frames depend on parent frame, therefore, when anyone of the child frames change a windows message is sent to arrange all the child frames).

**As claim 23**, Breinberg further teaches at least a procedure for requesting the measurement of all elements needing to be measured (fig. 4, label 404; col. 10, lines 18-24).

**As claim 24**, Breinberg further teaches at least a procedure for requesting the arrangement of all elements needing to be arranged (col. 2, lines 34-41, it is inherent that the size and position of the child frames depend on parent frame, therefore, when anyone of the child frames change a windows message is sent to arrange all the child frames).

**As claim 25**, Breinberg teaches a data structure for facilitating making ready for presentation a graphical element (col. 2, lines 12-27), the data structure comprising:
a first value representing the desired size of the (col. 2, lines 26-27; col. 14, lines 52-55, that the attributes is the value that represents the requested size for the frame (element));
a second value representing the computed size of the element (col. 2, lines 26-27; col. 11, lines 1-8; col. 14, lines 52-55. It is inherent that the auto-layout engine determines the size and dimensions, and the returned value is the computed size value for each frame (element);
a first flag for triggering measurement of the element (col. 10, lines 3-20);
and a second flag for triggering arrangement of the element (col. 10, lines 45-57).

**As claim 26**, Breinberg teaches a system for making ready for presentation a graphical element (fig. 3; col. 8, lines 31-34), the system comprising:

a data structure representing the element (col. 6, lines 1-7. It is inherent the data about the frame (element) is contained in a data structure describing the position and dimensions of the specified frame (element));

a first executable procedure using the data structure for measuring the element (fig. 6, label 602; col. 2, lines 1-9; col. 11, lines 43-49. It is inherent that when the layout stage is implemented it is measuring the size and position of each frame (element));

and a second executable procedure using the data structure for arranging the element (col. 2, lines 1-9; col. 4, lines 57-64; col. 11, lines 51-55, that the auto-layout engine arranges and repositions the frames (elements) as it traverses the tree to fill available space);

**As claim 27**, Breinberg further teaches the data structure comprises:

a first value representing the desired size of the element (col. 2, lines 26-27; col. 14, lines 52-55, it is inherent that the attributes is the value for the size);

a second value representing the computed size of the element (col. 2, lines 26-27; col. 14, lines 52-55, it is inherent that after the result of the method/function call, the returned value is the computed size value for the element);

a first flag for triggering measurement of the element (col. 10, lines 3-20);

and a second flag for triggering arrangement of the element (col. 10, lines 45-57).

**As claim 28**, Breinberg further teaches the first executable procedure returns a desired size for the element (fig. 6, label 606; col. 12, lines 14-23, it is inherent that after the calculation, the results to include the desired size will be returned).

**As claim 29**, Breinberg further teaches the first executable procedure computes desired sizes of child-elements of the element (fig. 6, label 606; col. 12, lines 14-23).

**As claim 30**, Breinberg further teaches the second executable procedure computes a final size for the element (fig. 5, label 504, 506, 508 and 510; fig. 7, label 718; col. 11 lines 15-21; col. 14, lines 27-29).

**As claim 31**, Breinberg further teaches the second executable procedure further computes display positions for a child-element of the element (fig. 7, label 718; col. 14, lines 27-36; col. 2, lines 41-43).

**As claim 32**, Breinberg further teaches using the first flag for signaling the element's need to be measured by the first executable procedure (fig. 4, label 404; col. 10, lines 18-24).

**As claim 33**, Breinberg further teaches using the second flag for signaling the element's need to be arranged by the second executable procedure (col. 2, lines 34-41, it is inherent that the size and position of the child frames depend on parent frame. Therefore, when anyone of the child frames change a windows message is sent to arrange all the child frames).

**As claim 34**, Breinberg inherently teaches a computer-readable medium (computer-executable instructions in order to be operational must be stored and implemented from a computer-readable medium) including computer-executable instructions facilitating making ready for presentation a graphical element in a system (col. 1, lines 59-61 and lines 64-67; col. 2, line 1), computer-executable instructions executing the steps of:

calling a measuring procedure to measure the element (fig. 6, label 602; col. 2, lines 1-3; col. 11, lines 43-49);

calling an arranging procedure to arrange the element (col. 2, lines 1-3; col. 11, lines 51-55); and wherein the measuring procedure is called and executed independently from the arranging procedure (fig. 6, label 604; col. 11, lines 56-67 and col. 12, lines 1-13).

**As claim 35**, Breinberg further teaches the measuring procedure returns a desired size for the element (fig. 6, label 606; col. 12, lines 14-23, it is inherent that after the calculation, the results to include the desired size will be returned).

**As claim 36**, Breinberg further teaches the measuring procedure computes desired sizes for child-elements of the element (fig. 6, label 606; col. 12, lines 14-23).

**As claim 37**, Breinberg further teaches the measuring procedure comprises determining whether a child-element requires computation of its desired size (col. 17, lines 14-22).

**As claim 38**, Breinberg further teaches the arranging procedure computes a final size for the element (fig. 5, label 504, 506, 508 and 510; fig. 7, label 718; col. 11 lines 15-21; col. 14, lines 27-29).

**As claim 39**, Breinberg further teaches the arranging procedure further computes display positions for a child-element of the element (fig. 7, label 718; col. 14, lines 27-36; col. 2, lines 41-43).

**As claim 40**, Breinberg teaches a method for measuring for presentation a graphical element in a computer application program (col. 1, lines 59-62, col. 2, lines 56-61), the method comprising:

receiving an available size parameter for the element (receiving an available size parameter for the element (fig. 6, label 602; col. 2, lines 1-11; col. 11, lines 43-55, that the auto-layout engine determines the size and dimensions, and the returned value is the available size value for each frame (element));

and causing a measuring function to provide a desired size result parameter for the element, using the available size parameter (col. 11, lines 19-25, that the size and dimensions are returned based on the desired and available size when the auto-layout engine is implemented).

**As claim 41**, Breinberg teaches a method for arranging for presentation a graphical element in a computer application program (col. 1, lines 65-67; col. 2, line 1), the method comprising:

receiving a final size parameter for the element (fig. 6, label 602; col. 2, lines 1-11; col. 11, lines 43-49, that the auto-layout engine will provide the final size of the frame (element) based on the calculations that are made while the auto-layout engine is implemented);

and causing an arranging function to provide a computed size parameter for the element, using the final size parameter (col. 4, lines 45-55; col. 11, lines 19-25. It is inherent that the auto-layout engine determines the size and dimensions, and the returned value is the computed size value for each frame (element) based on the final size requested).

**As claim 42**, Breinberg teaches a method for notifying that a first graphical element requires measurement (fig. 4, label 404; col. 10, lines 18-24) for presentation in a computer

application program (col. 4, lines 19-22), the method comprising:

receiving the first element as a child parameter (fig. 6, labels 602 and 606; col. 12, lines 14-23, that the auto-layout engine will receive the constraints of the first child frame (element));

and causing a notification function to notify a second graphical element of the first element's need to be measured, using the child parameter (fig. 4, label 404; col. 10, lines 18-24, that the call (windows message) between frames (elements) exchange information to include the requirement to be measured).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breinberg in view of Lupu (US Pub 2004/0100480).

**As claim 11**, Breinberg does not teach the signaling step comprises notifying the element's parent-element.

However, Lupu teaches the signaling step comprises notifying the element's parent-element (par [0007]).

Therefore, it would have been obvious to one ordinary skill in the art the time the invention to modify Breinberg by having signaling step to notify the element's parent-element as taught by

Lupu in order to provide constant communication between window objects (elements) enhancing the over all functionality.

**As claim 22**, Breinberg does not teach the procedure for signaling to a parent element the child element's need to be measured.

However, Lupu teaches the procedure for signaling to a parent element the child element's need to be measured (par [0007]).

Therefore, it would have been obvious to one ordinary skill in the art the time the invention to modify Breinberg by having the procedure for signaling to a parent element the child element's need to be measured as taught by Lupu in order to provide a functional interface between modules utilizing window messages constantly updating the status of each window object (element).

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Halstead, Jr. et al. (US Patent 6,667,750) – Multiple pass layout of graphical object with elastics.

Geigel et al. (US Pub 2002/0122067) – System and method for automatic layout of images in digital albums.

Bolnick et al. (US Patent 6,043,817) – Method and apparatus for arranging displayed graphical representations on a computer interface.

Breinberg (US Pub 2004/0268269) – System and method for automatic and dynamic layoff of resizable dialog type windows.

Dando (US Pub 2003/0058286) – Configurable user-interface component management system.

Lucas et al. (US Patent 6,075,530) – Computer system and method for analyzing information using one or more visualization frames.

Suppan et al. (US Pub 2003/0007014) – User interface system for composing an image page layout.

Rogers et al. (US Patent 6,133,914) – Interactive graphical user interface.

McComb et al. (US Patent 6,111,573) – Device independent window and view system.

Koppolu et al. (US Patent 5,754,175) – Method and system for in-place interaction with contained objects.

Lupu (US Pub 2004/0100480) – Input redirection.

Stall (US Patent 6,954,933) – Method and apparatus for providing and interacting hig-performance message queues in a user interface environment.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Carleton whose telephone number is 571-270-1258. The examiner can normally be reached on Monday-Friday (7:00AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on 571-272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TC

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